



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

SECNAVINST 5820.8A CH-1

OGC

10 January 2005

SECNAV INSTRUCTION 5820.8A CHANGE TRANSMITTAL 1

From: Secretary of the Navy

Subj: RELEASE OF OFFICIAL INFORMATION FOR LITIGATION PURPOSES
AND TESTIMONY BY DEPARTMENT OF THE NAVY (DON) PERSONNEL

Encl: (1) *Revised page 4 of Enclosure (3)*

1. Purpose. To change the contact address for service of process for the Department of the Navy.

2. Action. Remove page 4 of Enclosure (3) and replace with enclosure (1) of this change transmittal.

Alberto Mora
General Counsel of the Navy

Distribution:
(Same as Basic)

10 January 2005

(c) Nothing here shall prevent a determining authority from referring requests or demands to another determining authority better suited under the circumstances to determine the matter and respond, but the requester shall be notified of the referral. Further, each determining authority specified in this paragraph may further delegate his or her decisional authority to a principal staff member, staff judge advocate, or legal advisor.

(d) In the alternative, the requester may forward the request to the DAJAG for General Litigation, who may refer the matter to another determining authority for response, and so notify the requester.

(2) Visits and views. A request to visit a DON activity, ship, or unit, or to inspect material or spaces located there will be forwarded to one of the authorities stated in paragraph 4a(1), who will respond on behalf of the Judge Advocate General. Action taken by that authority will be coordinated with the commanding officer of the activity, ship, or unit at issue, or with his or her staff judge advocate (if applicable). The military mission of the unit shall normally take precedence over any visit or view. The commanding officer may independently prescribe reasonable conditions as to time, place, and circumstance to protect against compromise of classified or privileged material, intrusion into restricted spaces, and unauthorized photography.

(3) Documents. 10 U.S.C. § 7861 (1988) provides that the Secretary of the Navy has custody and charge of all DON books, records, and property. Under DOD Directive 5530.1 of 22 August 1983 (NOTAL), the Secretary of the Navy's sole delegate for service of process is the General Counsel of the Navy. See 32 C.F.R. § 257.5(c). All process for such documents shall be served via certified mail or Federal Express upon the: General Counsel of the Navy, Navy Litigation Office, 720 Kennon Street SE, Bldg 36 Room 233, Washington Navy Yard, DC 20374-5013, (202) 685-7039, who will refer the matter to the proper delegate for action. Matters referred to the Judge Advocate General will normally be provided to the determining authorities described in paragraphs 3 and 4. That authority will respond per criteria in enclosure (5). Process not properly served on the General Counsel is insufficient to constitute a legal demand and shall be processed as a request by counsel. Requests for documents maintained by the National Personnel Records Center will be determined by the official provided in enclosure (5), paragraph 2(b)(3).